HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 4701 OF 2004.

Vijay Gatalu Gaikwad. ...Applicant.

V/s.

1. Arti Vijay Gaikwad & Anr. ...Respondents.

Shri Ramdas Gite i/b Anilkumar Patil, for applicant.

Shri Balasaheb Bandal i/b Uday Warunjikar, for respondent No.1.

Shri A.S.Gadkari, APP for State.

CORAM: A.M.KHANWILKAR,J
DATE : APRIL 1,2005

P.C. :-

1. Heard the learned counsel for the parties.

2. It is reported that settlement is not possible. Accordingly, matter is heard on merits.

3. After considering submission advanced by the respective counsel, I see no infirmity either in the approach adopted by the lower courts or the conclusion reached on the basis of that approach. It has been noticed that the applicant is getting salary not less than Rs.10,000/-. On that basis, the impugned order has been passed requiring the applicant to pay enhanced maintenance amount upto Rs.1,500/- per month under

section 127 of the Cr.P.Code. In addition, the applicant is paying Rs.500/- per month to the respondent wife as required in terms of the order passed in Matrimonial proceedings. In other words, the total maintenance amount to be paid by the applicant to the respondent wife is only up to Rs.2,000/- per month which cannot be said to be excessive. Hence, this application dismissed.

4. The amount deposited by the applicant towards costs in this court is allowed to be withdrawn by respondent wife.